

### **REMARKS/ARGUMENTS**

Claims 1-34, 45-61, 64, 68-69, 109-112, 127-138 and 151 are currently pending in the application. Claims 35-44, 62-63, 65-67, 70-108, 113-126, 139-150 and 152 were previously canceled in response to a previous restriction requirement. The Office action mailed July 11, 2008 (hereinafter referred to as "Office Action") indicated that claims 1-34, 45-61, 64, 68-69, 109-112, 127-138 and 151 are subject to a restriction requirement. Applicant respectfully submits that no fees are due at this time. In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

#### ***Traversal of Restriction Requirement***

The Office Action indicated that claims 1-34, 45-61, 64, 68-69, 109-112, 127-138 and 151 are subject to a restriction requirement based on the following inventions:

- Group I: Claims 1-29, 45-61, 64, 68-69, 109, 111, 127-128, 131-135 and 151, drawn to a knowledge discovery engine where relationships between two or more integrated objects are identified, retrieved, grouped, ranked, filtered and numerically evaluated, classified in class 707, subclass 2;
- Group II: Claims 30-34, 45-61, 64, 68-69 and 151, drawn to a knowledge discovery engine that recognizes relationships and identifies one or more co-occurrences of objects within the data source, and identifies implicit relationships between the objects circuit, classified in class 707, subclass 102;
- Group III: Claim 110, drawn to constructing a database of lexical variants, scanning an object-relationship database with a database of lexical variants to add synonyms; and assigning each object a unique numeric ID and storing relationships by lowest ID first; and checking the object-relationship database for errors, classified in class 707, subclass 7;
- Group IV: Claim 112, drawn to generating a comprehensive network of relationships and storing the shared relationships evaluated by one or more statistical bounded network models, wherein a query is performed on the shared relationships to identify novel relationships from the comprehensive network of relationships, classified in class 707, subclass 104.1; and
- Group V: Claim 136-138, drawn to identifying objects directly and indirectly related to query objects and quantitatively evaluating each implicitly with the query object by deriving an importance score and veracity score, classified in class 707, subclass 5.

Pending claims 129-130 were not listed in the Groups. As a result, applicant considers claims 129-130 to be part of Group I because they depend from claim 127.

The Office Action indicated that the Groups are related as subcombinations disclosed as usable together in a single combination, but have separate utility and do not require the particulars of the other groups. Moreover, the Office Action indicated that these inventions have acquired a separate status as shown by their different classification and the search required for each group would be different. Applicant respectfully requests reconsideration and withdrawal

of the restriction requirement.

Every requirement to restrict has two aspects, (1) the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct, and (2) the reasons for insisting upon restriction there between. MPEP § 808. With regard to the first aspect, applicant respectfully submits that the Office Action merely states a conclusion by listing some elements of the claims and citing passages of the MPEP without stating specific reasons for such a conclusion. Accordingly, applicant respectfully submits that the Office Action fails to satisfy the first aspect. As a result, applicant respectfully requests withdrawal of the restriction requirement.

With regard to the second aspect, the reasons under MPEP § 808 provided in the Office Action for insisting upon exercising his authority under 35 U.S.C. § 121 to require restriction must be reasons approved by the Commissioner. The reasons approved by the Commissioner are set out in MPEP § 803: (1) the inventions must be independent (see MPEP §§ 802.01, 806.04, 808.01) or distinct as claimed (see MPEP §§ 806.05, 806.05(i)); and (2) there must be a serious burden on the examiner if restriction is not required (see MPEP §§ 803.02, 806.04(a)-(j), 808.01(a) and 808.02). The examiner must provide reasons and/or examples to support conclusions. MPEP § 803.

For purposes of the initial requirement, a serious burden on the examiner may be shown, *prima facie*, if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP § 808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant. MPEP § 803. Applicant respectfully asserts that the examiner has failed to make a *prima facie* case that restriction is required. The Office Action states that the inventions are related and Groups I-V are all classified in class 707. Moreover, the Office Action merely provides a conclusion that the inventions are either independent or distinct. Applicant respectfully submits that these explanations are insufficient. Furthermore, the Office Action failed to establish that a serious burden would be imposed on the examiner if restriction were not required, especially considering that this is the second restriction requirement. In particular, applicant respectfully submits that searching one class having five subclasses is not a serious burden. Therefore, applicant respectfully asserts that the *prima facie* requirements of MPEP § 803 have not been met. Accordingly, applicant respectfully urges that the requirement for restriction/election is improper. Applicant respectfully requests reconsideration and withdrawal of the restriction/election requirement.

### ***Provisional Election of Claims with Traverse***

In accordance with 37 C.F.R. § 1.143, applicant provisionally elects, with traverse, Group I containing claims 1-29, 45-61, 64, 68-69, 109, 111, 127-135 and 151 in the event that the restriction requirement in the Office Action is not withdrawn. As a result and as reflected in the provisional listing of claims, claims 1-29, 45-61, 64, 68-69, 109, 111, 127-135 and 151 would be pending and claims 30-34, 110, 112 and 136-138 would be withdrawn with traverse. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional

species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

***Conclusion***

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the restriction requirement. Applicant submits that claims 1-34, 45-61, 64, 68-69, 109-112, 127-138 and 151 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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